



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 8, 2021

BY ECF

The Honorable Ronnie Abrams
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Immigrant Defense Project, et al. v. U.S. Dep't of Homeland Sec., et al.*,
No. 20 Civ. 10625 (RA)

Dear Judge Abrams:

This Office represents the defendants in the above-referenced case brought by plaintiffs Immigrant Defense Project and Center for Constitutional Rights (collectively, "Plaintiffs"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. On behalf of the parties, we write respectfully pursuant to the Court's order dated July 6, 2021, Dkt. No. 27, to provide a status report.

As reported in the last status update on June 4, 2021, and in the extension request dated July 2, 2021, defendant U.S. Immigration and Customs Enforcement ("ICE") agreed to re-examine and re-process certain documents, as well as conduct a supplemental search for materials by June 30, 2021. With respect to the documents that ICE agreed to re-examine and re-process, ICE apologizes to the Court and to Plaintiffs for not completing the task by June 30. With Plaintiffs' consent, ICE anticipates a July 16 completion date for the re-processing, re-review, and production.

With respect to the supplemental search, ICE completed its search on June 30, and it resulted in a least 2,500 pages¹ of potentially responsive materials, plus 25 spreadsheets of potentially responsive materials. ICE has agreed to review, process, and produce the 25 spreadsheets, plus at least 800 additional pages of material, by August 18. ICE will review, process, and produce the remainder of the potentially responsive materials at a rate of at least 835 pages per month until completed.

Plaintiffs have informed undersigned counsel that they reserve their right to proceed to a summary judgment briefing schedule after they receive the first production of supplemental search results on August 18 without awaiting completion of all processing if, in their judgment, the

¹ There are additional records located by ICE that are contained within .zip files for which ICE does not have a page count at this time. ICE will update Plaintiffs when it has a revised figure.

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production is so redacted or duplicative that it is unusable. ICE respectfully submits that it would be more efficient to wait until the currently scheduled productions are completed before proceeding with such briefing. *See, e.g.*, Order, Dkt. No. 18, *Ramaci v. F.B.I.*, No. 17 Civ. 10084 (RA) (S.D.N.Y. May 7, 2018) (“Although the Court is sympathetic to Plaintiff’s desire to obtain the relevant documents to which she claims she is entitled as quickly as possible, summary-judgment briefing is premature at this time. There are still thousands of pages of documents that the FBI has agreed to review and process between now and December 2018.”).

In light of the above, the parties respectfully request that the Court extend the time to propose a briefing schedule and permit the parties to submit a further status report on August 20, 2021, advising the Court of the parties’ progress on this matter.

We thank the Court for its consideration of this request.

Respectfully submitted,

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cc: All counsel of record (by ECF)

Application granted. The parties are directed to submit an additional status report on or before August 20, 2021.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'R. Abrams', written over a horizontal line.

Hon. Ronnie Abrams
07/09/2021